

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HUBERT VAN GENT,)	
)	
Plaintiff,)	
)	No. 4:08CV00959 FRB
)	
v.)	
)	
)	
SAINT LOUIS COUNTRY CLUB,)	
JAMES M. SNOWDEN, JR., DAVID)	
WELLS, A.G. EDWARDS & SONS,)	
INC., WACHOVIA SECURITIES,)	
L.L.C., and WILLIAM S.)	
SIMPSON, JR.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Presently before this Court is St. Louis Country Club's ("defendant") Motion for More Definite Statement as to Count I of Plaintiff's First Amended Complaint (Docket No. 24/filed November 20, 2008). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

In the instant Motion, defendant challenges Count I of plaintiff Hubert Van Gent's ("plaintiff") First Amended Complaint, alleging that the allegations therein are so vague and ambiguous as to the alleged wrongdoing by defendant that defendant cannot reasonably prepare a response.

Examination of plaintiff's First Amended Complaint

reveals the instant motion to be well-founded. In addition, plaintiff offers no objection. In fact, on March 3, 2009, plaintiff filed a document he titled "Plaintiff's Response to Defendants' Memorandum Concerning Pending Motions," wherein he stated that he expected to "either resolve Count I of the Complaint or provide a more definite statement, as requested by Defendants, within the next seven (7) days." (Docket No. 37.) To date, however, plaintiff has filed nothing.

Examination of Count I of plaintiff's First Amended Complaint reveals that it lacks sufficient specificity to provide adequate notice as required by Rule 8 of the Federal Rules of Civil Procedure. As defendant notes, plaintiff fails to specify what terms of the Deferred Compensation Plan defendant violated; what benefits should be restored; and the nature of the dispute with respect to the Deferred Compensation Plan. Such omissions render Count I so vague and ambiguous that it is unanswerable. See Swierkiewicz v. Sorema N. A., 534 U.S. 506, 514, (2002) ("If a pleading fails to specify the allegations in a manner that provides sufficient notice, a defendant can move for a more definite statement under Rule 12(e) before responding.")

Therefore,

IT IS HEREBY ORDERED that defendant's Motion for More Definite Statement as to Count I of Plaintiff's First Amended Complaint (Docket No. 24) is **GRANTED**.



Frederick R. Buckles
UNITED STATES MAGISTRATE JUDGE

Dated this 29th day of September, 2009.